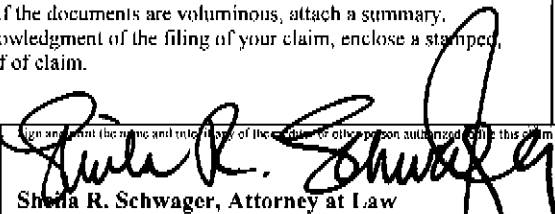


United States Bankruptcy Court District of Idaho		PROOF OF CLAIM <small>THIS SPACE IS FOR COURT USE ONLY</small>
Name of Debtor: - GERALD LINDSEY	Case Number: 03-21652	FILED DEC 02 03 PM 4:35 JCL/TED (A)
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to U.S.C. §503.		
Name of Creditor (The person or other entity to whom the debtor owes money or property): David Vial c/o Sheila R. Schwager Hawley Troxell Ennis & Hawley, LLP P.O. Box 1617 Boise, ID 83701 Telephone Number: (208) 344-6000		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.
Account or other number by which identifies debtor:	Check here if this claim: <input type="checkbox"/> Replaces <input type="checkbox"/> Amends a previously filed claim dated:	
1. Basis for Claim <input checked="" type="checkbox"/> Goods Sold <input type="checkbox"/> Services Performed <input type="checkbox"/> Money Loaned <input type="checkbox"/> Personal Injury/Wrongful Death <input type="checkbox"/> Taxes <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. §1114(a) <input type="checkbox"/> Other (please describe): <input type="checkbox"/> Wages, Salaries and compensation: Your Social Security Number: _____ Unpaid Compensation for services performed from _____ (date) to _____ (date)		
2. Date debt was incurred: June 2000		3. If court judgment, date obtained: June 9, 2003
4. Total Amount of Claim at Time Case Filed: \$ 150,125.24 If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below. <input checked="" type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.		
5. SECURED CLAIM <input checked="" type="checkbox"/> Check box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of Collateral \$20,000; Creditor has also recorded a judgment lien on real property of which Debtors hold an interest. Amount of arrearage and other charges at time the case was filed included in secured claim, if any: \$ _____		6. UNSECURED PRIORITY CLAIM <input type="checkbox"/> Check box if you have an unsecured priority claim Amount entitled to priority \$ _____ Specify priority of claim <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,650),* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier. (11 U.S.C. § 507(a)(3)). <input type="checkbox"/> Contributions to an employee benefit plan (11 U.S.C. § 507(a)(4)). <input type="checkbox"/> Up to \$2,100* of deposits toward purchase, lease, or rental of property or services for personal, family or household use (11 U.S.C. § 507(a)(6)). <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse or child (11 U.S.C. § 507(a)(7)). <input type="checkbox"/> Taxes or penalties owed to governmental units (11 U.S.C. § 507(a)(8)). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(). *Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
7. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. 8. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, please explain. If the documents are voluminous, attach a summary. 9. Date Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.		THIS SPACE IS FOR COURT USE ONLY
DATE December 2, 2003	Sign and print the name and telephone of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any)  Sheila R. Schwager, Attorney at Law	
Penalty for presenting fraudulent claims: Fine up to \$500,000 or imprisonment for up to 5 years, or both, 18 U.S.C. §152 and §357.		

JUN 18 2003

JUN 18 2003

JUN 08 03 4:52 PM 01 P,03

0429740

John W. Kluschn [ISB No. 5641]
 HEPWORTH, LEZAMIZ & JANIS
 537 W. Bannock Street, Ste. 200
 P.O. Box 2582
 Boise, Idaho 83701-2582
 Telephone No. (208) 343-7510
 Fax No. (208) 342-2927

Attorneys for Plaintiffs

STATE OF IDAHO County of IDAHO Recorded by request of <i>Hankley</i>	
<i>1023-11-0000-1-0000</i>	
ROSE E. GEHRING	
By <i>ROSE E. GEHRING</i>	Recorder
Filed <i>6/18/03</i>	Deputy

AHN:
Alisa Anderson

FILED *6/18/03* AT
 A.M. *2:35* P.M. LEMINGTON, IDAHO
 BY *[Signature]*

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF IDAHO

DAVID B. VIAL and BRUCE W. COMSTOCK,)	Case No. CV33546
)	
Plaintiffs/Counterdefendants,)	JUDGMENT
vs.)	
)	
GERALD A. LINDSEY and NOEL S. TANNER,)	
)	
Defendants/Counterclaimants.)	

Based upon the Court's Opinion and Order Re: Fees and Costs in this matter, dated May 30, 2003, it is hereby ORDERED, ADJUDGED and DECREED that judgment is entered against GERALD LINDSEY in favor of the Plaintiffs, in the amount of ONE HUNDRED THIRTY-SEVEN THOUSAND, NINE HUNDRED SIXTY-ONE DOLLARS AND TWENTY-FIVE CENTS (\$137,961.25), with interest thereon accruing at the applicable

JUDGMENT - 1

CERTIFIED COPY

statutory rate. For purposes of post-judgment interest and other considerations, this Judgment is retroactive to May 23, 2003, and effective as of that date.

IT IS SO ORDERED This 9 day of June, 2003.


JEFF M. BRUDIE
District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that on this 9 day of June, 2003, he/she caused to be served a true and correct copy of the above and foregoing by the method indicated below, and addressed to the following:

John W. Kluskal
HEPWORTH, LEZAMIZ & JANIS
P.O. Box 2582
Boise, ID 83701-2582

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

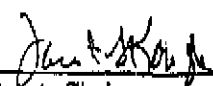
Brit D. Groom
BRIT GROOM, CLTD.
323 W. Main Street
P.O. Box 218
Grangeville, ID 83530

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Noel S. Tanner
P.O. Box 1430
Round Mountain, NV 89045

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

PATTY O. WEEKS
Clerk of the District Court

By 
Deputy Clerk

JUDGMENT - 2



I, Ross E. Gehring, Clerk of the above entitled Court do hereby certify the foregoing to be a true and correct copy of the original instrument on file in my office.

WITNESS my hand and official seal this 26

day of June, 2003

By 
Deputy

**ATTACHMENT TO PROOF OF CLAIM
DEBTOR - GERALD LINDSEY - CASE NO. 03-21652
SECURED CREDITOR - DAVID VIAL**

JUDGMENT

Original judgment	136,961.25
Interest at rate of 7.25% (27.21 per diem 3/19/03-10/15/03 - 210 days)	5,714.10
Attorney fees & costs (through 10/15/03)	<u>7,449.89</u>
Total Owed as of 10/15/03	\$150,125.24

Interest accrues at 27.21 per diem

June 9, 2000

495640

Nye County Records
P.O. Box 1111
Pahrump, NV 89040

Telephone & Fax Concern:

Enclosed please find a copy of the item documents to be filed against Cornerstone Ranch, LC. Legal description is as follows:

Section 1 North, Range 39 East, MDBAM
Section 13 1-321-05 Southeast Quarter (SE1/4) of Southeast Quarter (SE1/4)
Section 24 1-321-05 Northeast Quarter (NE1/4) of Northwest Quarter (NW1/4)

is returned in accordance of your policy.

For any questions in regard to this request feel free to contact David B. Vial at (253) 851-3991.

[Signature]

N.W.
100312

[Signature]

On the 9th day of June, in the year of 2000, before me Nancy Buegg, a Notary Public, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

[Signature]

[Signature]
Notary Public

My Commission Expires: 9-19-02



Bruce W. Comstock
100 Knappton Rd.
Knappton, OR 97801

State of Oregon

[Signature]

On the 10th day of June, in the year of 2000, before me Holly Miller, a Notary Public, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



[Signature]
Notary Public

My Commission Expires: 8-22-2003

Official Records Nye County Nevada
Requested By: Bruce Comstock
6/23/00 9:21 AM
Neoma Lydon Recorder 495640
Fee: \$7.00 State: \$ Dep: to

EXHIBIT "A"

MM
BMC
J. A. P.
[Signature]

TOWNSHIP 8 NORTH, RANGE 39 EAST, M.D.B &M.

Section 13: Southeast Quarter (SE1/4) of Southeast Quarter (SE1/4)

Section 24: Northeast Quarter (NE1/4) of Northwest Quarter (NW1/4)

Together with 20 annual acre feet of water from Cloverdale Creek being a portion of Proof #V05320 filed with the State Engineer of the State of Nevada; specifically and expressly reserving to SELLER any and all other water rights remaining under said Proof #V05320.

EXPRESSLY EXCEPTING AND RESERVING any and all range rights, AUMS, range water rights, grazing leases, permits, licenses, or preferences existing, connected or appurtenant to said land

ASSESSOR'S PARCEL NUMBER FOR 1998 - 1999: 01-521-05
01-521-06

QUITCLAIM DEED

THIS INDENTURE, made on this 9 day of April, 2002, by and between
CORNERSTONE RANCH LC, of Hwy 101 Box 1098 Whitefish, referred
to as Party of the First Part, and DAVID B. VIAL, of 1058 Fawn Dr. N.W., Gig Harbor, WA
98332, and BRUCE W. COMSTOCK, of 47067 Kirkpatrick Rd., Pendleton, OR 97801,
hereinafter referred to as Parties of the Second Part.

WITNESSETH:

That the said Party of the First Part, for and in consideration of the sum of Ten Dollars
(\$10.00), lawful money of the United States of America, and other valuable considerations, to it
in hand paid by the Parties of the Second Part, the receipt whereof is hereby acknowledged, do
by these presents remise, release and forever QUITCLAIM unto the said Parties of the Second
Part, the following described real property, situate in the County of Nye, State of Nevada, to wit:

Township 8 North, Range 39 East, MDB&M
Section 13: 1-52105 Southeast Quarter (SE¼) of Southeast Quarter (SE¼)
Section 24: 1-521-06 Northeast Quarter (NE¼) of Northwest Quarter (NW¼)

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances
thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and
remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises with the appurtenances
unto the said Parties of the Second Part, their heirs and assigns forever.

IN WITNESS WHEREOF, the said Party of the First Party has hereunto set its hand and
seal the day and year first above written.

CORNERSTONE RANCH LC

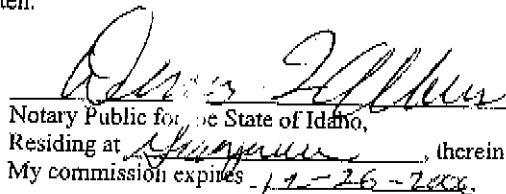
By Noel S. Tanner
NOEL S. TANNER, Member

By Gerald A. Lindsey
GERALD A. LINDSEY

STATE OF IDAHO)

On this 29 day of April, 2002, before me, a Notary for the said County and State, personally appeared NOEL S. TANNER, known to me to be the person whose name is subscribed to the within instrument, and he acknowledged to me that he freely executed the same.

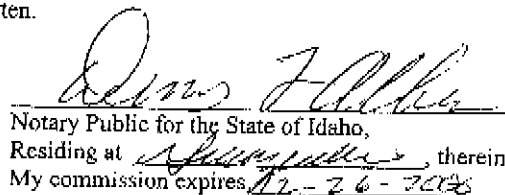
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



STATE OF IDAHO)

On this 24 day of April, 2002, before me, a Notary for the said County and State, personally appeared GERALD A. LINDSEY, known to me to be the person whose name is subscribed to the within instrument, and he acknowledged to me that he freely executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



June 9, 2000

Nye County Records
P.O. Box 1111
Tonopah, NV 89040

To whom it may Concern:

Enclosed please find a copy of the lien documents to be filed against Cornerstone Ranch, LC. Legal description is as follows:

Township 8 North, Range 39 East, MDB&M
Section 13: 1-521-05 Southeast Quarter (SE1/4) of Southeast Quarter (SE1/4)
Section 24: 1-521-06 Northeast Quarter (NE1/4) of Northwest Quarter (NW1/4)

Please record in accordance of your policy.

If there are any questions in regard to this request feel free to contact David B. Vial at (253) 851-3991.

David B. Vial
10508 Fawn Dr. N. W.
Gig Harbor, WA 98332

State of Washington

County of _____

On this _____ day of _____, in the year of 2000, before me _____, a notary public, personally appeared _____, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary Public

My Commission Expires: _____

Bruce W. Comstock
47067 Kirkpatrick Rd.
Pendleton, OR 97801

State of Oregon

County of _____

On this _____ day of _____, in the year of 2000, before me _____, a notary public, personally appeared _____, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary Public

My Commission Expires: _____